IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPP
OXFORD DIVISION

DEANN RENEE BURGESS   PLAINTIFF

V.   CIVIL ACTION NO. 3:18-CV-109-DAS

COMMISSIONER OF SOCIAL SECURITY   DEFENDANT

ORDER GRANTING ATTORNEY FEES

The plaintiff has petitioned for an award of EAJA attorney's fees and expenses. The

plaintiff seeks $ 6,029.10 in attorney's fees and $ 50.29 in expenses for mileage incurred in

traveling to the courthouse for oral argument in this action.

The Commissioner does not challenge the hourly rate claimed, nor the reasonableness of

the hours claimed, but suggests that since the attorney is being compensated for his time for

travel at the full hourly rate, that compensating him for his mileage is excessive, redundant and

otherwise unnecessary. The Commissioner has previously tried to persuade the court to reduce

the compensation for travel time for social security practitioners to one-half of the hourly rate.

This court previously addressed that argument, refusing to "further reduce the incentive for

social security work by reducing compensation that is already below the market rate for similar

services." *Stark v. Comm'r of Soc. Sec.*, No. 3:14CV150-DAS, 2015 WL 3795985, at *2 (N.D.

Miss. June 17, 2015). This objection is more of the same argument. The mileage expense is just

that -- an expense -- not payment for services rendered. Just as the time to travel was

unavoidably spent in coming to the courthouse, the mileage expense was necessarily and

unavoidably incurred. Furthermore, allowing the reimbursement is consistent with the

government's practice of reimbursing its own attorneys for any mileage necessarily incurred in

attendance at court hearings. For the reasons stated in *Stark* the court rejects this objection.

The court awards the plaintiff $ 6,029.10 as attorney's fees and $ 50.29 in expenses.

The check for attorney's fees shall be mailed to the offices of the plaintiff's counsel

SO ORDERED this the 26th day of April, 2019.

/s/ David A. Sanders
U.S. MAGISTRATE JUDGE